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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,295	06/13/2001	Charles Michael Pickett	8371-138	6771
20575	7590	08/16/2004	EXAMINER	
MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET PORTLAND, OR 97205			ARSHAD, UMAR	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/881,295	<b>Applicant(s)</b> PICKETT, CHARLES MICHAEL	
	<b>Examiner</b> Umar Arshad	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This communication is responsive to the amendment filed 4/30/2004.

Claims 1 – 15 are pending in this application. Claims 1, 7 and 12 are independent claims. In the amendment claims 1, 2, and 4 – 15 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

Claims 1, 4, 6, 7, 9, 11, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al., U.S. Patent No. 5,923,326 in view of Tilt, U.S. Patent No. 5,363,481.

As per claim 1, Bittinger teaches a method of presenting a user interface, the method comprising:

providing a proxy user interface for a secondary application, the proxy user

interface being displayed during a period of time when a user is interacting with a primary application through a primary user interface (see Bittinger, column 2, lines 45 – 56); and

displaying predetermined settings for a task of the secondary application on the user interface (see Tilt, Bittinger, column 2, lines 56 - 63).

Bittinger does not teach the proxy user interface activated by a user input and performing a task after elapse of a predetermined time period using the predetermined settings, if no input through the proxy interface is received. Tilt teaches providing an interface activated by a user input and performing a task after elapse of a predetermined time period using the predetermined settings, if no input through the proxy interface is received (see Tilt, column 1, lines 40 – 51; the examiner interprets selecting the last highlighted parameter as performing the task).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Tilt with the method of Bittinger in order to speed up selection time for an expert user of a system.

As per claim 4, which is dependent on claim 1, Bittinger and Tilt teach the method of claim 1 (see rejection above). Bittinger further teaches the method of claim 1, wherein the proxy user interface is arranged on the periphery of the primary user interface (see Bittinger, figure 4A, items 30 and 50).

As per claim 6, which is dependent on claim 1, Bittinger and Tilt teach the

method of claim 1 (see rejection above). Bittinger further teaches the method of claim 1, wherein the predetermined settings displayed are the current settings for the application (see Bittinger, column 6, lines 21 – 30).

As per claim 7, Bittinger teaches an identifier identifying a secondary application for which the user interface is used (see Bittinger, column 2, lines 45 – 51; it is inherent that an identifier identifying a secondary program must be used in order to associate the secondary window to the secondary application program); and

a settings display, wherein the setting displayed are predetermined settings for the application (see Bittinger, column 6, lines 12 – 16).

Bittinger does not teach a timeout timer operable to close the graphical user interface upon expiration of the timer. Tilt teaches a timeout timer operable to close the graphical user interface upon expiration of the timer (see Tilt, column 2, lines 27 – 31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Tilt with the method of Bittinger in order to speed up selection time for an expert user of a system.

As per claim 9, which is dependent on claim 7, Bittinger and Tilt teach the graphical user interface of claim 7 (see rejection above). Bittinger does not teach the graphical user interface of claim 7, wherein the timer is hidden.

Tilt teaches the graphical user interface of claim 7, wherein the timer is hidden (see Tilt, column 2, lines 21 - 33; it is inherent that the time is hidden because it is a

signal from the operating system).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Tilt with the method of Bittinger in order to provide a less cluttered interface.

As per claim 11, it is of similar scope to claim 6 and is rejected under the same rationale as claim 6 (see rejection above).

As per claim 12, it is of similar scope to claim 1 and is rejected under the same rationale as claim 1 (see rejection above).

As per claim 15, it is of similar scope to claim 4 and is rejected under the same rationale as claim 4 (see rejection above).

Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al., U.S. Patent No. 5,923,326 in view of Tilt, U.S. Patent No. 5,363,481 further in view of Stucka et al., U.S. Patent No. 5,596,702.

As per claim 2, which is dependent on claim 1, Bittinger and Tilt teach the method of claim 1 (see rejection above). Bittinger further teaches the method of claim 1,

wherein the method further comprises receiving an input through the proxy interface and performing a task for the secondary application (see Bittinger, column 6, lines 12 – 16).

Bittinger and Tilt do not teach the method of claim 1, wherein the method further comprises receiving an input through the proxy interface and presenting a user interface for the secondary application. Stucka teaches a method comprising receiving an input through a proxy interface and presenting a secondary user interface for the secondary application (see Stucka, column 10, lines 30 – 36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Stucka with the method of Bittinger and Tilt in order to provide a graphical user interface element on demand as a result of a user action.

As per claim 13, which is dependent on claim 12, it is of similar scope to claim 2 and is rejected under the same rationale as claim 2 (see rejection above).

Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al., U.S. Patent No. 5,923,326 in view of Tilt, U.S. Patent No. 5,363,481 further in view of Frank et al., U.S. Patent No. 5,651,107.

As per claim 3, which is dependent on claim 1, Bittinger and Tilt teach the method of claim 1 (see rejection above). Bittinger and Tilt do not teach the method of claim 1, wherein the proxy user interface is provided as a transparent overlay.

Frank et al. ("Frank") teaches a method wherein the user interface is provided as a transparent overlay (see Frank, column 2, lines 46 – 55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Frank with the method of Bittinger and Tilt in order to increase the amount of information presented in a window based system.

As per claim 14, it is of similar scope to claim 3 and is rejected under the same rationale as claim 3 (see rejection above).

Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al., U.S. Patent No. 5,923,326 in view of Tilt, U.S. Patent No. 5,363,481 further in view of Blades et al., U.S. Patent No. 5,465,358.

As per claim 5, which is dependent on claim 1, Bittinger and Tilt teach the method of claim 1 (see rejection above). Bittinger and Tilt do not teach the method of claim 1, wherein the predetermined settings displayed are the default settings for the application.



Blades teaches a method wherein the settings displayed are the default settings for the application (see Blades, column 6, lines 24 – 27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Blades with the method of Bittinger and Tilt in order to give the user the option to keep default values for displayed settings.

As per claim 10, it is of similar scope to claim 5 and is rejected under the same rationale as claim 5 (see rejection above).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al., U.S. Patent No. 5,923,326 in view of Tilt, U.S. Patent No. 5,363,481 further in view of McCoy et al., U.S. Patent No. 6,526,575.

As per claim 8, which is dependent on claim 7, Bittinger and Tilt teach the graphical user interface of claim 7 (see rejection above). Bittinger and Tilt do not teach the graphical user interface of claim 8, wherein the timer is visible on the graphical user interface.

McCoy teaches a graphical user interface wherein a timer is visible on the graphical user interface (see McCoy, figure 14, "Starts In" timer).

It would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 2174

invention to incorporate the graphical user interface of McCoy with the graphical user interface of Bittinger and Tilt in order to alert the user of the time remaining in the timer.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 - 15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Arshad whose telephone number is (703) 305-0329. The examiner can normally be reached on Monday - Friday, 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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